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September 10, 2021

**VIA EMAIL AND ECF**

Hon. Noel. L. Hillman  
United States District Judge  
U.S. District Court for the District of New Jersey  
Mitchell H. Cohen Courthouse and Federal Building  
One John F. Gerry Plaza  
401 Cooper Street  
Camden, NJ 08101

Re: Brown, et. al v. Warren, et al, 20-cv-7907 (NLH)  
Response to Court's September 9, 2021 Text Order (ECF No. 187)

Dear Judge Hillman:

The Court's September 9, 2021 Text Order (ECF No. 187) requested the parties to advise the Court whether, given the recent COVID-19 outbreak at the Cumberland County Jail ("CCJ"), the Court should proceed with an in-person hearing on September 15, 2021 or whether the hearing should proceed virtually. The purpose of this letter is to advise the Court of the information that I have received and the recommendations that my team and I have provided to CCJ so that it may make the best-informed decision.

I have received documentation that all inmates in CCJ have been tested or provided the opportunity to receive tests. There were a significant number of inmates who refused to be tested in the Maximum Security areas, also known as Blocks A-F. This area is separate from the areas where the named plaintiffs are located.

One of the named plaintiffs is located in E Dorm, and the remaining named plaintiffs – except for one, are located in C Pod. One named plaintiff has been transferred to the New Jersey State Department of Corrections.

The outbreak occurred in the men's dormitories. I have been informed that the men's dormitories have been quarantined, and I have received documentation that every inmate in

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the men's dormitories has been tested. CCJ has indicated to me that any inmate who has tested positive has been isolated. The remaining inmates in the dorms who tested negative remain in the dormitories under quarantine.

I have also received documentation that all of the inmates in C Pod have been tested, and all of those inmates have tested negative. Therefore, at this point, I have received documentation that all of the named plaintiffs in CCJ custody have tested negative for COVID-19.

The health experts on my team (Ready Health), have advised both CCJ and me that the best practice is to conduct a second test five days after the first test to confirm that there are no positive cases. If all of the tests are negative in a housing area, then it is likely that the area is COVID-19 free – with one caveat. PCR testing, though expensive and time-consuming, remains the gold-standard. Antigen testing (Rapid Tests) are somewhat less sensitive to detect the presence of COVID-19, particularly in asymptomatic individuals. I have been informed that the majority of the individuals who tested positive at CCJ were asymptomatic.

Accordingly, it was Ready Health's recommendation that – to achieve the highest level of confidence in the results if CCJ uses antigen tests (which it does) – then CCJ might want to consider conducting serial rapid tests on day five **and** on day six after the original negative tests. Serial antigen testing is more expensive (double the cost), and I am aware of a growing shortage of testing kits in the market due to increased demand and supply-chain issues.

Therefore, it is our suggestion that if the Court were to proceed with an in-person hearing on September 15, 2021, all of the inmates at CCJ be tested a second time (on day 5 after the original test) **and at least** those inmates who have been identified as witnesses be provided serial rapid tests (days 5 and 6 after the original test).

Please do not hesitate to contact me if you have any questions or concerns.

Respectfully submitted,

Porzio, Bromberg & Newman, P.C.

A handwritten signature in dark ink, appearing to read "William J. Hughes, Jr.", written in a cursive style.

WILLIAM J. HUGHES, JR.



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cc: Jeffrey M. Pollock, Esq.  
Gregg L. Zeff, Esq.

WJH  
Attachment